

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 01/21/2022**

PRIYA HARRIRAM,

Plaintiff,

v.

JOSEPH LUIS FERA and LEHMAN  
COLLEGE,

Defendants.

No. 21-CV-3696 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Ms. Harriram has filed a letter that seeks to add additional information in support of her opposition to Defendants' motion to dismiss, and to add City University of New York ("CUNY") as a defendant. *See* Dkt. 45. Defendants responded, requesting that the Court deny Plaintiff's request because her letter improperly raises new allegations not included in her Amended Complaint and because the addition of CUNY is "unnecessary [because] Lehman College does not have a corporate existence separate from CUNY." Dkt. 47 at 3.

In the case of a *pro se* litigant, public policy rationales "permit[] courts to consider facts alleged for the first time in a *pro se* plaintiff's opposition to a motion to dismiss," and "the submissions of a *pro se* litigant must be construed liberally and interpreted to raise the strongest arguments that they suggest." *Elliott v. Nestle Waters N. Am. Inc.*, No. 13-CV-06331 (RA)(SN), 2014 WL 1795297 (S.D.N.Y. May 6, 2014) (quoting *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006)).

In light of these considerations, the Court accepts Plaintiff's letter, Dkt. 45, as a sur-reply. Given Defendant's position that the addition of CUNY is "unnecessary [because] Lehman College does not have a corporate existence separate from CUNY," Plaintiff shall advise the Court as to whether she still seeks to add CUNY as a defendant. To the extent that Defendants wish to respond to Plaintiff's sur-reply beyond the arguments raised in their letter dated January 17, 2022, they may do so by January 28,

2022.

Additionally, on November 8, 2021, the Court referred this case to mediation. The Court has been unable to obtain limited pro bono counsel to represent Ms. Harriram, so the matter will proceed to mediation with Ms. Harriram continuing to represent herself *pro se*.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: January 21, 2022  
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', written over a horizontal line.

Ronnie Abrams  
United States District Judge